

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

Brenice Morciglio v. Pradip J. Morbia, MD, FACC and Gulf Coast
Cardiology Group, PLLC

Morciglio · No. 13-26-00055-CV · Decided March 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas dismissed Brenice Morciglio’s appeal for want of prosecution after she failed to pay the required \$205 filing fee or respond to the clerk’s notices. The court relied on Texas Rule of Appellate Procedure 42.3(b) and (c).

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Justice Jon West; Chief Justice Tijerina; Justice West; Justice Cron
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	March 26, 2026
DOCKET	13-26-00055-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed for want of prosecution after appellant failed to pay the required filing fee or respond to the clerk's delinquency notice.
PRECEDENTIAL VALUE	published
PARTIES	Brenice Morciglio v. Pradip J. Morbia, MD, FACC, Gulf Coast Cardiology Group, PLLC

TOPICS

- appellate procedure
- costs
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the appeal should be dismissed for want of prosecution because appellant failed to pay the required filing fee and failed to respond to the clerk's notice.

HOLDINGS

- 1. An appeal may be dismissed for want of prosecution when the appellant fails to pay the required filing fee and fails to respond or take the required action within the time specified by the clerk's notice.

KEY QUOTATIONS

“appellant has neither paid the filing fee nor otherwise responded to the notice from the Clerk of the Court requiring a response or other action within the time specified; accordingly, the appeal is dismissed for want of prosecution.”

FACTUAL BACKGROUND

Brenice Morciglio filed a notice of appeal and was notified that a \$205 filing fee was due. After repeated invoices, the clerk notified her that the fee was delinquent and that the appeal could be dismissed unless she paid or otherwise responded within ten days. She did neither.

PROCEDURAL HISTORY

Appellant filed a notice of appeal on December 4, 2025, from the 136th District Court of Jefferson County, Texas. The appellate clerk issued multiple invoices and a delinquency notice concerning the \$205 filing fee, but appellant neither paid the fee nor responded within the specified period. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(b) and (c).

DISPOSITION

dismissed

OPINION

Brenice Morciglio v. Pradip J. Morbia, MD, FACC and Gulf Coast Cardiology Group, PLLC
PER CURIAM.

NUMBER 13-26-00055-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

MORCIGLIO, Appellant, v.
PRADIP J. MORBIA, MD, FACC
AND GULF COAST CARDIOLOGY
GROUP,

PLLC,

BRENICE

Appellees.

ON APPEAL FROM THE 136TH DISTRICT COURT
OF JEFFERSON COUNTY, TEXAS

MEMORANDUM OPINION

Before Chief Justice Tijerina and Justices West and Cron Memorandum Opinion by Justice West

On December 4, 2025, appellant filed a notice of appeal. 1 On December 5, 2025, the Clerk of the Court issued an invoice indicating the charges for a filing fee in the amount 1 This case is before the Court on transfer from the Ninth Court of Appeals pursuant to a docket equalization order issued by the Supreme Court of Texas. See TEX. GOV'T CODE ANN. § 73.001. of \$205.00 was due to be paid in thirty days. On January 16, 2026, the Clerk of the Court issued the invoice again, notifying appellant the court costs in this case shall be paid by February 2, 2026. On February 19, 2026, the Clerk of the Court notified appellant she was delinquent in remitting the \$205.00 filing fee. The Clerk of the Court further notified appellant that the appeal was subject to dismissal if the filing fee was not paid within ten days of the letter. See TEX. R. APP. P. 42.3 (b), (c). Appellant has neither paid the filing fee nor otherwise responded to the notice from the Clerk of the Court requiring a response or other action within the time specified; accordingly, the appeal is dismissed for want of prosecution. See *id.*

JON WEST

Justice Delivered and filed on the 26th day of March, 2026. 2